

# EXHIBIT A

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**From:** [Jason Kasner](#)  
**To:** ["Van Benthysen, Brett"](#)  
**Cc:** [Caplan Brian D.](#); [Mark Peroff](#)  
**Subject:** RE: Grant v. Trump - Motion Exhibit Inquiry  
**Date:** Thursday, September 14, 2023 9:46:00 AM  
**Attachments:** [image001.png](#)

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Hi Brett –

Sure, I will call you at 10:30. Our recall differs, I am aware of the typical practice of designating on site, but that is not my recall of our discussions prior to the deposition nor was it the understanding of Defendants' counsel at the deposition. Obviously, you can proceed how you wish to file, but I wanted to make clear the reason we cannot agree to re-designate prior to filing.

Talk soon,

Jason



**Jason H. Kasner | Partner**

**PEROFF SAUNDERS P.C.**

[745 5th Avenue Suite 500 | New York, NY 10151](#)  
[5 Becker Farm Road Suite 407 | Roseland, NJ 07068](#)  
Tel: [646.898.2030](#) | Direct: [973.841.4842](#)  
[jkasner@peroffsaunders.com](mailto:jkasner@peroffsaunders.com)  
[www.peroffsaunders.com](http://www.peroffsaunders.com)

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**From:** Van Benthysen, Brett <[BVanBenthysen@reitlerlaw.com](mailto:BVanBenthysen@reitlerlaw.com)>  
**Sent:** Thursday, September 14, 2023 8:53 AM  
**To:** Jason Kasner <[jkasner@peroffsaunders.com](mailto:jkasner@peroffsaunders.com)>  
**Cc:** Caplan Brian D. <[Bcaplan@reitlerlaw.com](mailto:Bcaplan@reitlerlaw.com)>; Mark Peroff <[mark.peroff@peroffsaunders.com](mailto:mark.peroff@peroffsaunders.com)>  
**Subject:** Re: Grant v. Trump - Motion Exhibit Inquiry

I am free at 10:30 to discuss, just call my office. I understand the transcript designation at the time,

which is routine when there is an indication that the witness may possess confidential or otherwise privileged information. However upon review of the transcript clearly much of Mr. Trump's testimony is not confidential or otherwise protected. If Defendants won't agree to redesignste some of the testimony then we will file under seal but we will also be making a motion to dedesignate portions of the transcript.

**Brett Van Benthysen**  
Reitler Kailas & Rosenblatt LLP  
885 Third Avenue - 20th Floor  
New York, NY 10022  
Direct: 212-209-3045  
Fax: 212-371-5500  
Email: [bvanbenthysen@reitlerlaw.com](mailto:bvanbenthysen@reitlerlaw.com)

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**From:** Jason Kasner <[jkasner@peroffsaunders.com](mailto:jkasner@peroffsaunders.com)>  
**Sent:** Thursday, September 14, 2023 8:44:09 AM  
**To:** Van Benthysen, Brett <[BVanBenthysen@reitlerlaw.com](mailto:BVanBenthysen@reitlerlaw.com)>  
**Cc:** Caplan Brian D. <[Bcaplan@reitlerlaw.com](mailto:Bcaplan@reitlerlaw.com)>; Mark Peroff <[mark.peroff@peroffsaunders.com](mailto:mark.peroff@peroffsaunders.com)>  
**Subject:** Re: Grant v. Trump - Motion Exhibit Inquiry

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Hi Brett -

I was surprised to receive this request regarding the president's deposition testimony. If you recall, the president was made available for deposition without extensive objection or briefing/argument on the express agreement between the attorneys that his deposition testimony remain Highly Confidential Attorneys Eyes Only. This understanding was read into the record at the beginning of the deposition. There is no ambiguity. Now, at the first available instance, you are asking us to re-designate testimony against the express agreement of the parties, 2 days before the brief is to be filed? That would render our agreement completely moot and we cannot agree to re-designate. Let's discuss logistics this morning - I'm around between 9:30-11.

Best,

Jason

Sent from my iPhone - Please excuse any typos.

On Sep 13, 2023, at 9:32 PM, Van Benthysen, Brett <[BVanBenthysen@reitlerlaw.com](mailto:BVanBenthysen@reitlerlaw.com)> wrote:

Dear Jason,

Thank you for the email. We can agree to remove the confidentiality designation, but we will require Defendants remove the confidentiality designation from the attached document and excerpts from Mr. Trump's deposition, which we plan on relying on in Plaintiffs' summary judgment motion.

I am available tomorrow if we need to discuss.

Sincerely,

**Brett Van Benthysen**

Reitler Kailas & Rosenblatt LLP  
885 Third Avenue - 20th Floor  
New York, NY 10022  
Direct: 212-209-3045  
Fax: 212-371-5500  
Email: [bvanbenthysen@reitlerlaw.com](mailto:bvanbenthysen@reitlerlaw.com)

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**From:** Jason Kasner <[jkasner@peroffsaunder.com](mailto:jkasner@peroffsaunder.com)>  
**Sent:** Wednesday, September 13, 2023 3:25 PM  
**To:** Van Benthysen, Brett <[BVanBenthysen@reitlerlaw.com](mailto:BVanBenthysen@reitlerlaw.com)>  
**Cc:** Caplan Brian D. <[Bcaplan@reitlerlaw.com](mailto:Bcaplan@reitlerlaw.com)>; Mark Peroff <[mark.peroff@peroffsaunder.com](mailto:mark.peroff@peroffsaunder.com)>

**Subject:** Grant v. Trump - Motion Exhibit Inquiry

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Brett –

I hope you are doing well and feeling good. Attached is the only exhibit we plan to file in connection with our motion that has been designated “CONFIDENTIAL” by Plaintiffs. As there does not appear to be any information on the face of the document that would foreclose public filing under the federal rules and the SDNY local rules, please let us know if Plaintiff would (1) re-designate this document to remove the CONFIDENTIAL designation; or (2) simply consent to unredacted filing of this document, solely in connection with Defendants’ motion.

Alternatively, please provide a redacted version of the attached for public filing, redacting out any confidential information.

Thank you, and if you would like to discuss, let me know.

Best,

Jason

<image001.png>

**Jason H. Kasner | Partner**

**PEROFF SAUNDERS P.C.**

745 5th Avenue Suite 500 | New York, NY 10151  
5 Becker Farm Road Suite 407 | Roseland, NJ 07068  
Tel: 646.898.2030 | Direct: 973.841.4842  
Jkasner@peroffsaunders.com  
www.peroffsaunders.com

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